

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
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DATE FILED: 4/15/10

MITRE SPORTS INTERNATIONAL  
LIMITED,

Plaintiff,

-against-

HOME BOX OFFICE, INC.,

Defendant.

-X

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-X

08 Civ. 9117 (GBD) (HBP)

## OPINION

AND ORDER

PITMAN, United States Magistrate Judge:

It is hereby ORDERED that:

1. With respect to HBO's application to re-open the deposition of Duncan Anderson, HBO is directed to promptly identify for me areas it was prevented from exploring as a result of Mr. Anderson's allegedly dilatory tactics, i.e., HBO is to identify the areas it will explore if the Anderson deposition is reopened.

2. With respect to HBO's request for an extension of time to respond to Mitre's letter dated April 8, 2009, counsel for HBO is to confer with counsel for Mitre in a viva voce conversation -- not an exchange of e-mails or faxes -- and advise me whether Mitre consents to the requested extension.

3. With respect to the parties' disputes concerning documents withheld or redacted on the ground of privilege or irrelevance, given my responsibilities to the other litigants whose cases are assigned to me, the temporal demands that other discovery disputes in this matter have made and are continuing to make on my calendar and the substantial volume of the parties' disputes concerning withheld and redacted documents, I am compelled to appoint a special master to resolve these disputes. The special master will be compensated at his or her regular hourly rates, the fee to be evenly divided between Mitre and HBO. Counsel are directed to confer promptly and attempt to agree on the individual to be appointed special master. If the

parties cannot agree on an individual to serve as  
special master, I shall appoint one of my own choosing.

Dated: New York, New York  
April 15, 2010

SO ORDERED

  
HENRY PITMAN  
United States Magistrate Judge

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